

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**ROBERT A. JONES,**

**Petitioner,**

**v.**

**AKINYEMI AWOPETU, Superintendent of  
Livingston Correctional Facility,**

**Respondent.**

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**9:19-CV-633  
(TJM/DJS)**

**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

This petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and N.D.N.Y.72.3(c). In his Report-Recommendation and Order, Judge Stewart recommends finding that the Petition is barred by the statute of limitations and therefore be denied and dismissed. See Rep.-Rec. & Ord., Dkt. No. 16. He also recommends that no Certificate of Appealability (“COA”) be issued. *See id.*

Petitioner Robert A. Jones did not file objections to Judge Stewart’s recommendations, and the time to do so has expired.

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and

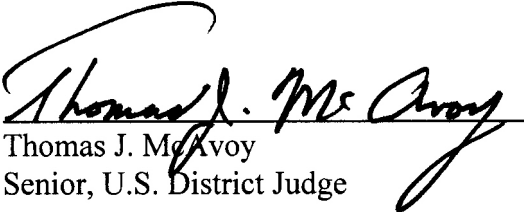
Order (Dkt. No. 16) for the reasons stated therein. It is therefore

**ORDERED** that the Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**, and it is further

**ORDERED** that no Certificate of Appealability (“COA”) shall issue because Petitioner has failed to make “a substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2). Any further request for a COA must be addressed to the Court of Appeals (Fed. R. App. P. 22(b)).

**IT IS SO ORDERED.**

Dated: May 17, 2022

  
Thomas J. McAvoy  
Senior, U.S. District Judge